

CLERK'S OFFICE U.S. DIST. COURT  
AT CHARLOTTESVILLE, VA  
FEB 12 2007  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

)  
DOMINICK COSTA, JR.,

) Plaintiff,

v.  
)

LINDA S. McMAHON,<sup>1</sup> Acting  
Commissioner of Social Security

) Defendant.

) CASE NO. 4:06CV00063

) REPORT AND RECOMMENDATION

) By: B. Waugh Crigler  
U. S. Magistrate Judge

Upon defendant's February 8, 2007, motion for remand to which plaintiff does not object, it is

RECOMMENDED

that the presiding District Judge GRANT defendant's motion and REMAND the case for further proceedings under the fourth sentence of 42 U.S.C. § 405(g).

The Clerk is directed immediately to transmit the record in this case to the presiding United States District Judge. Both sides are reminded that pursuant to Rule 72(b) they are entitled to note objections, if any they may have, to this Report and Recommendation within ten (10) days hereof. Any adjudication of fact or conclusion of law rendered herein by the undersigned not specifically objected to within the period prescribed by law may become conclusive upon the parties. Failure to file specific objections pursuant to 28 U.S.C. §

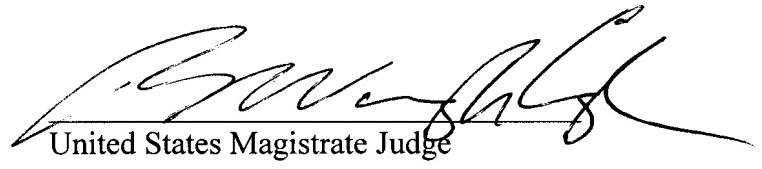
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<sup>1</sup>Linda S McMahon became the Acting Commissioner of Social Security, effective January 20, 2007, to succeed Jo Anne Barnhart. Under Fed.R.Civ.P. 25(d)(1) and 42 U.S.C. § 405(g), Linda S. McMahon is automatically substituted as the defendant in this action.

636(b)(1)(C) as to factual recitations or findings as well as to the conclusions reached by the undersigned may be construed by any reviewing court as a waiver of such objection.

The Clerk of the Court hereby is directed to send a certified copy of this Report and Recommendation to all counsel of record.

ENTERED:



A handwritten signature in black ink, appearing to read "B. W. B." followed by a stylized surname.

United States Magistrate Judge

2/12/07  
Date